

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
C.G. HOLDINGS, INC.

Plaintiff,

-against-

RUM JUNGLE, INC.

Defendant.
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MEMORANDUM AND ORDER

07-MC-534 (ENV)(MDG)

VITALIANO, D.J.

On October 30, 2008, plaintiff C.G. Holdings, Inc. ("C.G. Holdings") submitted a proposed order to this Court enforcing the November 2, 2007 default judgment entered against defendant Rum Jungle, Inc., ("Rum Jungle") in the United States District Court for the District of Nevada for alleged violations of the Lanham Act. The judgment awarded C.G. Holdings the following relief: (1) statutory damages in the amount of \$100,000; (2) attorneys' fees and costs in the amount of \$26,360.19; and (3) a permanent injunction enjoining Rum Jungle from using the RUMJUNGLE mark and/or any similar variation. The proposed order of October 30, 2008 was submitted following this Court's determination as to which of a group of allegedly related individuals and entities were subject to the judgment of the Nevada Court. Due to an unexplained filing error, the defendant's objection to the proposed order, dated November 17, 2008 was not received by the Court electronically until January 16, 2009.

The Court finds that the proposed order submitted by C.G. Holdings does not comply with this Court's Memorandum & Order dated October 27, 2008; therefore, the Court declines to sign it. However, plaintiff is granted leave to submit a revised proposed order that is consistent

with the Court's October 27, 2008 decision. The proposed order shall direct enforcement solely against Rum Jungle, Inc. and post a bond in the amount of \$50,000 as security for the payment of such costs and damages which may be incurred by (a) defendant if it is held responsible for damage caused by improper enforcement of the proposed order against property of another individual or entity, and / or (b) by the United States Marshal, the sheriff, or enforcement official of any county of the State of New York resulting from any act or omission in connection with the enforcement of the proposed order.

SO ORDERED.

Dated: Brooklyn, New York
January 22, 2009

s/ENV

ERIC N. VITALIANO
United States District Judge